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# THE PROGRESSIVE LABOR LEGISLATION

OF

## The Mowat Government.

**Mr. Alonzo W. Wright**, Secretary of the Order of Knights of Labor, Philadelphia (formerly of Toronto), says: "While there is still a good deal of legislation which we labor cranks think should be enacted, I am free to say that **Ontario has not much to learn** from any State in the Union in this respect, and is immeasurably in advance of most of them.

The following is a brief synopsis of some of the most important labor measures passed by the Mowat Government in recent years. Its careful perusal by any workman will prove Mr. Wright's statement, as above given, to be true.

**An Act to facilitate the adjustment of disputes between Masters and Workmen**: to enable masters and workmen to form a Board to settle differences between them. The amending Act of 1890 authorizes this Board to "establish a rate of wages or price of labor or workmanship at which the workmen shall in future be paid." Experience having demonstrated the necessity, the Government introduced during last session (1894) "An Act respecting Councils of Conciliation and of Arbitration for settling industrial disputes," the provisions of which apply to any business employing not less than ten persons. It provides for two boards—a Conciliation Board of local composition, and a Provincial Arbitration Board, and the machinery of these may be set in motion by either party on the other declining or neglecting to act.

**An Act to amend The Trades Arbitration Act**, repeals section 28 of the original Act and substitutes the following: "The masters and workmen making the agreement or memorandum mentioned in section 3 of this Act may by such memorandum or agreement authorize the said Board to establish a rate of wages or price of labor or workmanship at which the workman shall in future be paid.

**An Act respecting Councils of Conciliation and of Arbitration for Settling Industrial Disputes (1894)**—The provisions of this law apply to any person, or body of persons employing not less than ten persons. Provision is made for the creation of local Conciliation Boards as well as a permanent Arbitration Board for the whole Province; and it is provided that either party concerned in a trade dispute may invoke the services of the Arbitration Board, the expenses and payment of the members of the Arbitration Board are provided from public funds.

**An Act respecting Liens of Mechanics and others** provides for a priority of claim for wages for work done or labor performed by mechanics and laborers on buildings, etc., good for thirty days after the last day's labor was performed. By an Act of 1890 the provisions of this Act as to legal procedure were simplified, costs limited, and summary enforcement of liens provided for. Again in 1893, "An Act to further facilitate the enforcement of the just rights of Wage-earners and Sub-contractors" was enacted. The Act further provides that any device by any owner or contractor which shall be adopted in order to defeat the priority of wage-earners for their wages under the several Acts relating to mechanic's liens shall, as respects such wage-earners, be null and void.

**An Act to simplify the Procedure for Enforcing Mechanics' Liens**, provides that besides the legal machinery already in existence, without issuing a writ of summons or taking any other preliminary proceedings, the plaintiff may file a statement of claim in the office of a master or official referee having jurisdiction in the county wherein the lands in question are situate. One certificate of the master shall have the same effect as a judgment of court, and the fees payable, shall be as

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follows: In the High Court \$1.60, in the County Court 80 cents, in the Division Court 50 cents.

**An Act to amend the Mechanics' Lien Act**, substitutes the following for section 7 of the law as it stood, viz.: The owner shall in the absence of a stipulation to the contrary, be entitled to retain, for a period of thirty days after the completion of the contract, (a) fifteen per cent. of the price to be paid to the contractor where such price does not exceed \$1,000; (b) twelve and a half per cent. of the price to be paid to the contractor, where such price is more than \$1,000, but does not exceed \$5,000; and (c) in all other cases ten per cent. of the price to be paid to the contractor.

**The Woodman's Lien for Wages Act**, applies to the districts of Algoma, Thunder Bay, Rainy River, Nipissing and Parry Sound, and provides that any person performing any labor, in connection with any logs or timber in the districts named shall have a lien thereon for the amount due for such labor, and the same shall be deemed a first lien or charge on such logs or timber, and shall have precedence of all other claims or liens thereon, except any lien or claim which the Crown may have upon such logs or timber for dues or charges, or which any timber slide company or owner of slides and booms may have thereon for or in respect of tolls.

**An Act for the Protection of Persons employed in Factories** became law in 1884, and its provisions are attended to by three inspectors, whose duties are assigned in eastern, central and western Ontario. This law is amended so that its provisions do not apply where more than FIVE persons (instead of 20 as heretofore) are employed.

**An Act for the protection of persons employed in places of business other than factories.**—This Act applies to every place of business whether for the sale or manufacture of goods, or for any other kind of business in which women or girls are employed, and to all rooms and buildings used in connection with or for the purposes of the business.

**An Act to regulate the Closing of Shops and the hours of labor therein for Children and Young Persons.**—This Act defines what places are included in the term "shops," enables councils to regulate the hours of closing and labor, and provides for the right of petition to those ends by the ratepayers interested.

**An Act to make provision for the safety of Railway Employees and the Public** (1882) provides for the protection of railway servants and others in cases of accidents occasioned by the negligence of railway companies in respect of over-head bridges, railway frogs, wing-rails, guard-rails, etc.

**The Mines Act, 1892**, contains among other things, a large number of clauses for the complete protection of those employed therein. In this respect it is one of the most advanced mining laws to be found in any country. Regulations are also made as to the prevention of accidents and penalties are named for contravention thereof; the powers and duties of inspectors are defined and general rules as to the whole law laid down, and penalties provided for infraction of any of the provisions of the law. "An Act respecting Mining Regulations" is also in the interest of the miners.

**An Act respecting Wages** (1884) provides that no debt, wages or salary due or accruing to a mechanic, workman, laborer, servant, clerk or employee, shall be liable to seizure or attachment under any law unless the debt exceeds \$25, and then only to the extent of the excess. In 1885 another Act provided for the priority and payment of three months' wages of employees in cases of assignment, distribution of assets of certain companies and others, and in dealing with the effects of execution debtors.

**An Act respecting Master and Servant** (1873) provides, among other things, for agreements by which workmen may share in the profits of the business.

**An Act to Secure Compensation to Workmen in Certain Cases** (1886.) In 1887 an amendment applied the provisions to railway companies and employees, and another amendment in 1889 makes the person for whom the work is done, as well as the contractor, liable for injuries to the workman, but double compensation cannot be recovered for one and the same injury. It is also provided that even if the workman was aware of the defect or negligence which resulted in his injury, he is not deemed to have voluntarily incurred the risk of being injured. In 1892 these several Acts were consolidated. An amendment made in 1893 declared that "workman" in the consolidated law "does not include a domestic or menial servant, or servant in husbandry, gardening or fruit growing."

**An Act for the Enforcement of Orders under the Act respecting Master and Servant** simplifies the procedure to be taken before a magistrate.

**An Act to amend the Act respecting Master and Servant**, provides that where a laborer has secured a judgment for wages and the same remains unsatisfied for eight days, the Justice or Justices giving judgment shall issue his or their warrant of distress for the levying of the wages, together with the costs of conviction and of the distress.

**An Act to Amend the Workmen's Compensation for Injuries Act.**—After an interpretation of the terms “superintendent,” “employer” and workman, explains that “railway servant” shall mean and include a railway servant, tramway servant, and street railway servant. It also provides that “in an action against an employer under the principal Act or this Act, a workman shall not, by reason only of his continuing in the employment of the employer with knowledge of the defect, negligence, act or omission, which caused his injury, be deemed to have voluntarily incurred the risk of the injury.”

**An Act respecting the law of Landlord and Tenant** provides for the exemption of certain goods and chattels from execution and seizure by distress by a landlord, nor shall they be liable to seizure by a collector of taxes, unless they are the property of the person actually assessed for the premises and whose name appears on collector's roll for the year as liable therefor. In 1892 the Act was amended by adding after the words “liable therefor” in the first above sentence, the words “provided that in the case of a monthly tenancy such exemption shall only apply to two months arrears of taxes.”

**An Act respecting the Assessment of Property.**—(R. S. O., 1887.) under the head of “Exemptions” provides that no taxes can be levied or collected (1) on the income of a farmer derived from his farm, or, (2) on the income of merchants, mechanics, or other persons derived from capital liable to assessment, (3) the net personal property of any person, provided the same is under \$100 in value, (4) the annual income of any person derived from his personal earnings, provided the same does not exceed \$700; (5) the annual income of any person to the amount of \$400, provided the same does not exceed \$1,000. Any person entered on the roll as a wage-earner shall be entitled to the exemption provided in this case in respect of earnings or income. The Act of 1892 exempted further, “all horses, cattle, sheep and swine, which are owned and held by any owner, or tenant of any farm, and when such owner or tenant is carrying on the general business of farming or grazing,” and “household effects of whatever kind, books and wearing apparel.”

**An Act to secure to Wives and Children the benefits of Life Insurance.** Under the provisions of this Act any person may insure his life for the whole term thereof, or for any definite period, for the benefit of his wife, or of his wife and children, and, where the insurance is effected for the benefit of more than one, he may apportion the amount of the insurance money as he may deem proper.

**An Act respecting the Insurance Law**, determines that the expression “trade or labor union or organization” means such an organization of wage-earners of a particular trade or industrial calling as is primarily constituted and is actually operated *bona fide* for the regulation of the wages and hours of labor as between employers and the employed; but shall not be deemed to include co-operative associations or societies; and the expression “insurance fund” or “insurance funds” shall not be deemed to include any fund or funds of a trade or labor union or organization appropriated to or applicable for the voluntary assistance of wage-earners unemployed or upon strike.

**An Act respecting Benefit Societies (1894).** (a) Where any trade or labor union or organization proposes to undertake contracts with its own members exclusively for any of the insurance benefits enumerated in “The Insurance Act, 1892,” or contracts to furnish tools or to pay unemployed or superannuation benefits to the said members. (b) Where any organization of wage-earners consisting of not less than twenty-five members and managed and operated as a friendly society under rules conforming to “The Insurance Act, 1892,” proposes to contract with its own members exclusively for sick benefits not exceeding five dollars per week and a funeral benefit of not more than one hundred dollars, or either of such benefits. The body so incorporated may, upon due application, be admitted to registry as a friendly society; but unless and until so registered, the corporation shall not undertake nor agree, or offer to undertake any contract insuring the said or other insurance benefits.



**An Act for the Encouragement of Agriculture, Horticulture, Arts and Manufactures**, provides, among other things, "The Bureau of Industries," for collecting, tabulating and publishing industrial information for public purposes.

**An Act respecting Industrial Schools**, provides that a school in which industrial training is provided, and in which children are lodged, clothed and fed, as well as taught shall be deemed an industrial school. Full provision is also made for the care, education, and training of destitute and homeless children under 14.

**An Act for the Protection and Reformation of Neglected Children.**—This law in addition to the provisions already appearing in the "Act respecting Industrial Schools," provides for the further protection and rescue of homeless and neglected children.

**An Act respecting Industrial Schools**, provides that any school board authorized to establish industrial schools may aid such schools, under certain conditions.

**An Act respecting Truancy and Compulsory School Attendance**, provides that all children between eight and fourteen years of age shall attend school for the full term which the school of the section in which they reside is open each year, unless excused for certain reasons.

**An Act for the Prevention of Cruelty to, and Better Protection of Children**, sets forth that any person over sixteen years of age who, having the care, custody, control or charge of a child, being a boy under the age of fourteen years, or being a girl under the age of sixteen years, wilfully ill-treats, neglects, abandons, or exposes such child, or causes or procures such child to be ill-treated, neglected, abandoned, or exposed in a manner likely to cause such child unnecessary suffering, or serious injury to its health, shall be guilty of an offence under this Act, and, on conviction thereof by a court of summary jurisdiction, shall be liable, at the discretion of the court, to a fine not exceeding \$100, or alternately, or in default of payment of such fine, or in addition thereto to imprisonment, with or without hard labour, for any time not exceeding three months.

**An Act respecting Free Grants and Homesteads to Actual Settlers on Public Lands.**—Under this law every locatee must be of the age of eighteen years or over, a patent does not issue until five years after the date of location, nor until certain settlement duties are performed. Neither shall any person be located for a greater quantity than two hundred acres.

**An Act respecting Elections of Members of the Legislature**, provides that no qualification in real estate shall be required of a candidate for a seat in the Legislative Assembly.

**An Act to establish Manhood Suffrage for the Legislative Assembly**, abolishes property and income qualification for voters at elections of members to serve in the Legislative Assembly of Ontario. It also provides that every male person of the full age of twenty-one years and not otherwise by law prohibited, and residing for twelve months in the Province before application to have his name entered on the voter's list, as well as living in the municipality in the list of which he is entered, shall be entitled to vote at elections to serve in the Legislative Assembly of this Province.

**An Act respecting the Registration of Manhood Suffrage and other Voters in Cities (1894)**, provides that every male person of the full age of 21 years, a subject of Her Majesty and not otherwise disqualified by law, shall be entitled to be entered on the list of manhood voters for the polling sub-division in which he resides, provided he has been a resident within the Province for one year and domiciled for three calendar months in the city prior to the first day on which the registrars sat to prepare the lists under this Act.

**An Act to amend the Free Libraries Act**, in addition to the powers already enjoyed by the Board, provides that, "there may also be established evening classes for artisans, mechanics and workmen in such subjects as may promote a knowledge of the mechanical and manufacturing arts."

**An Act respecting Stationary Engineers**, incorporates certain persons named therein, and all persons who shall hereafter cause their names to be registered, as an association for the purpose of holding examinations and granting certificates of qualification and efficiency as stationary engineers.









